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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,849	07/12/2005	Martin Kruempelmann	P70529US0	6755

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EXAMINER	
CULLER, JILL E	

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/541,849	KRUEMPELMANN ET AL.	
	Examiner	Art Unit	
	Jill E. Culler	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20060512*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S> Patent No. 6,634,297 to Poetter et al.

With respect to claim 1, Poetter et al. teaches a process for adjusting the print image of a rotation printing machine, comprising ink transfer rollers, 7, 8, and actuators, M1-M4, assigned to them, with which it is possible to change the position of the rollers and in which at least one sensor, K, records the intensity of light experiencing an interaction with the printed material and that the recorded measured values are fed to a control and regulation unit, 13, that compares the recorded measured values with set values and that generates corrective signals for the actuator of at least one part of the rollers involved in the printing process based on which the actuator changes the relative position (x) of the roller assigned to it until the measured values once again lie within a tolerance range characterized in that during the printing process at least one sensor records measurements of the intensity of light experiencing an interaction with the printed material, during the printing operation the measured values are assigned to the ink transferred in at least one inking unit, during the printing operation the control and regulation unit generates corrective signals for the actuator of at least one part of the

rollers, 7, 8, of the respective inking unit involved in the printing process, so that the variations in the ink quantity transferred onto a unit of area of the print image remain within a set range. See column 1, line 47 - column 2, line 22 and column 4, lines 23-35 and 55-62.

With respect to claim 6, Poetter et al. teaches a rotation printing machine with the following features: ink transfer rollers, 7, 8, and actuators, M1-M4, assigned to them, wherein it is possible, with at least one actuator, to change the relative position of the roller assigned to it based on corrective signals of the control and regulation unit, 13, at least one sensor, K, for recording the intensity of light experiencing an interaction with the printed material, a control and regulating unit,13, comprising means to compare the recorded measured values with set values and with which it is possible to generate corrective signals for the actuator of at least one part of the rollers, 7, 8, involved in the printing process, characterized in that the control and regulating unit is provided with a program using which the measured values during the printing operation are assigned to the ink transferred in the inking unit and that it is possible, with the control and regulation unit to generate corrective signals during the printing operation for the actuator of at least one part of the rollers of the respective inking unit involved in the printing process. See column 1, line 47 - column 2, line 22 and column 4, lines 23-35 and 55-62.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poetter et al. in view of U.S. Patent No. 5,992,318 to DiBello et al.

With respect to claims 2-3, Poetter et al. teaches all that is claimed, as in the above rejection of claims 1-6, except that in case of changes in the printing speed the control and regulation unit generates additional corrective signals based on which the actuators adjust the roller positions in relation to the printing speed and based on calibration tables or algorithms that are stored in a storage device.

DiBello et al. teaches a printer having a control and regulation unit which generates additional corrective signals based on which adjustments are made in relation to the printing speed based on calibration tables or algorithms that are stored in a storage device. See column 11, line 60 - column 12, line 44 and column 25, lines 24-46.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Poetter et al. to have the adjustments based on printing speed, as taught by DiBello et al., in order to maintain a proper adjustment at all printing speeds.

5. Claims 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poetter et al. in view of U.S. Patent No. 6,497,179 to Allen et al.

With respect to claims 4-5, Poetter et al. teaches all that is claimed, as in the above rejection of claims 1-6, except that the sensor records the intensity of light that is penetrated previously by the printed material characterized in that at least one light source supplies light to the side of the printed material that is opposite to the sensor.

Allen et al. teaches a printing apparatus having a sensor, 48, which records the intensity of light, 45a, that is penetrated previously by the printed material, 12, characterized in that at least one light source, 42a, supplies light to the side of the printed material that is opposite to the sensor. See column 4, lines 4-17 and Fig. 2B.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Poetter et al. to have the penetrating light source of Allen et al. in order to be able to better detect the characteristics of the material.

With respect to claim 7, Poetter et al. teaches all that is claimed, as in the above rejection of claims 1-6, except for at least one sensor with which it is possible to measure the light intensity in different spectral ranges.

Allen et al. teaches a sensing system, 26, which can measure the light intensity of light sources in different spectral ranges. See column 3, lines 54-60.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the process of Poetter et al. to have the varying light sources taught by Allen et al. in order to be able to interpret different aspects of the medium.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poetter et al. in view of DiBello et al. as applied to claims 2-3 above, and further in view of Allen et al.

With respect to claims 8-9, Poetter et al. and DiBello et al. teach all that is claimed, as in the above rejection of claims 2-3 except that the sensor records the intensity of light that is penetrated previously by the printed material.

Allen et al. teaches a printing apparatus having a sensor, 48, which records the intensity of light, 45a, that is penetrated previously by the printed material, 12, characterized in that at least one light source, 42a, supplies light to the side of the printed material that is opposite to the sensor. See column 4, lines 4-17 and Fig. 2B.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the process of Poetter et al. to have the penetrating light source of Allen et al. in order to be able to better detect the characteristics of the material.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 3,185,088 to Norton, U.S. Patent No. 6,291,829 to Allen et al., U.S. Patent No. 6,816,180 to Paz-Pujalt et al. and U.S. Patent No. 6,960,777 to Soar each teach an apparatus having apparent similarities to the claimed subject matter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

Jill E. Culler
Patent Examiner